TC4905

item 12

18.2.92

Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Recalling Resolution 1990/15 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Declaration issued by its Chairman on 23 August (E/CN.4/Sub.2/1991/SR.26),

Considering the report submitted by the Special Rapporteur on Torture on his visit to Indonesia and East Timor and taking note of its evaluation, conclusions and recommendations (E/CN.4/1992/17/Add.1),

Gravely concerned with the unprovoked violence employed by the Indonesian security forces on November 12 at Santa Cruz Cemetery in Dili, which resulted in the killing and wounding of a large number of civilians, and with the fate of those unaccounted for,

Further concerned at the fact that this incident has occurred in the context of a deteriorating human rights situation in East Timor including extra-judicial executions, arbitrary arrests, ill-treatment, disappearances and political imprisonment,

Taking note of the early action of the Indonesian Government in setting up a national commission of enquiry to investigate into that violence and of its summary report already made public,

Welcoming the prompt response of the Indonesian Government to that report and the announcement of measures in this regard, especially their criticism of the actions of the armed forces, the decision to dismiss the two senior commanders responsible for East Timor and to proceed with further investigation into the actions of the armed forces on 12 November and into the fate of those unaccounted for, in order to clarify the remaining discrepancies, namely on the number of the people killed and on the course of the events, and to bring to account those responsible for the shootings,

Bearing in mind in this context the Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, endorsed by Resolution 44/162 of the General Assembly,

Recalling relevant United Nations resolutions concerning East Timor,

1. Condemns the unjustifiable action by the armed forces of Indonesia that cost the life of many innocent and defenceless citizens in East Timor;

2. Expresses its deep concern at the reports of continuing human rights violations;

3. Urges the Indonesian Government to pursue a thorough investigation into the actions of members of its Armed Forces at all levels and to give a clear commitment that those found responsible will be brought to trial;

4. Calls upon the Indonesian authorities to ensure that all the East Timorese arrested on the occasion of the Dili shooting are treated humanely, that those not involved in violent activities are released without delay and that those brought to trial are assured of proper legal representation and fair trials;

5. Welcomes the appointment by the Secretary General of Mr. Amos Wako as his Personal Envoy in order to obtain clarifications on the tragic events which occurred in Dili, East Timor, on 12 November 1991, and the willingness of the Indonesian authorities to cooperate fully with him;

6. Requests the Secretary General to continue to follow closely developments in the human rights situation in East Timor and to keep the Commission informed thereon;

7. Commends the report of the Special Rapporteur on Torture on his visit to Indonesia and East Timor and urges the Indonesian Government to implement its recommendations and to keep the Commission informed on the progress made towards their implementation;

8. Encourages the Secretary General to continue his good offices as mandated by the General Assembly resolution 37/30 of 23 November 1982, with a view to exploring avenues for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese, in line with the purposes and principles of the United Nations Charter;

9. Calls upon the Indonesian Government to allow access to the territory of East Timor by all international human rights organizations;

10. Decides to consider the situation in East Timor at its 49th Session.